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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,898	01/29/2002	Eiichi Takami	03500.012697.1	5158
5514	7590	05/26/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LUU, THANH X	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,898

Applicant(s)

TAKAMI ET AL.

Examiner

Thanh X. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26, 28-31, 34, 35, 55-65 and 67-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26, 28-31, 34, 35, 55-65 and 67-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/10/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

This Office Action is in response to amendments and remarks filed May 11, 2006. Claims 23-26, 28-31, 34, 35, 55-65 and 67-71 are currently pending.

Double Patenting

1. Claims 22-26, 28-31, 34, 35, 55-65, 70 and 71 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,384,393. Although the conflicting claims are not identical, they are not patentably distinct from each other because the '393 patent claims: a photoelectric conversion device ("photoelectric conversion elements"); a wavelength converting member ("wavelength converting member"); a grounded conductive member fixed with an adhesive ("an adhesive agent sandwiched between the conductive member and the wavelength converting member... for grounding"); and (see claim 32) a resin that seals as claimed. As understood, lead electrode portions are inherent in photoelectric conversion elements. Furthermore, providing the photoelectric conversion device having a plurality of substrates would have been obvious to one of ordinary skill in the art to obtain larger cost effective detectors.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cannella et al. (U.S. Patent 4,672,454) in view of Kitada et al. (U.S. Patent 4,943,727).

Regarding claims 70 and 71, Cannella et al. disclose (see Figs. 1 and 2) a photoelectric conversion device, comprising: a plurality of photoelectric conversion elements (32-48) arranged two-dimensionally on a substrate; a wavelength converting member (49b) arranged on the plurality of photoelectric conversion elements; and a conductive member (49c) arranged on the wavelength converting member for serving as a shielding member; wherein the conductive member covers a wider area than an area in which the plurality of photoelectric conversion elements are arranged two-dimensionally and wherein the conductive member is fixed to the wavelength converting member. Cannella et al. also disclose (see Fig. 2) grounding (with 49d) the conductive member. Cannella et al. do not specifically disclose fixing the conductive member with an adhesive as claimed. Kitada et al. teach (see Fig. 1) fixing a conductive member (4) with an adhesive (5) to a wavelength converting member (2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesive as claimed in the apparatus of Cannella et al. in view of Kitada et al. to obtain more effective bonding.

4. Claims 56-61, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannella et al. in view of Kitada et al. and further in view of Suzuki et al. (JP 07-280944).

Regarding claims 56-61, 64 and 65, Cannella et al. in view of Kitada et al. disclose the claimed invention as set forth above. Furthermore, the photoelectric

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conversion elements inherently have lead electrode portions. Cannella et al. also disclose (see col. 6, line 59) the conductive member is aluminum. Cannella et al. and Kitada et al. do not specifically disclose a resin for sealing as claimed. Suzuki et al. teach (see paragraph [0055]) sealing a photoelectric conversion device and a wavelength converting member with a resin as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such a resin sealing in the apparatus of Cannella et al. in view of Kitada et al. and Suzuki et al. to further protect the device from damage.

5. Claims 22-26, 28, 29, 34, 35, 55 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannella et al. in view of Kitada et al. and further in view of Suzuki et al. and Crowell et al. (U.S. Patent 5,804,832).

Regarding claims 22-26, 28, 29, 34, 35, 55 and 67, Cannella et al. in view of Kitada et al. and Suzuki et al. disclose the claimed invention as set forth above. Cannella et al., Kitada et al. and Suzuki et al. do not specifically disclose the photoelectric conversion device having a plurality of substrates as claimed. Crowell et al. teach (see Fig. 4) making a larger photoelectric conversion device with a plurality of substrates arranged adjacent to each other as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of substrates as claimed in the apparatus of Cannella et al. in view of Kitada et al., Suzuki et al. and Crowell et al. to cost effectively obtain larger image sensors.

Allowable Subject Matter

6. Claims 30, 31, 62, 63, 68 and 69 are objected to as being dependent upon a

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rejected base claim, but would be allowable, once the double patenting rejection is overcome and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:00AM-3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thanh X Luu
Primary Examiner
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05/2006